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INTERVENTION

July 31, 2003

VIA HAND DELIVERY

Ernest G. Johnson
 Director of Utilities
 Utilities Division
 Arizona Corporation Commission
 1200 West Washington Street
 Phoenix, AZ 85007

Arizona Corporation Commission

DOCKETED

JUL 31 2003

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Re: Arizona Power Plant and Transmission Line Siting Committee (Docket No. L-00000D-03-0122); Motion for Leave to Intervene by DMB White Tank, LLC, an Arizona Limited Liability Company ("DMB")

Dear Mr. Johnson:

Attached hereto is a copy of a Motion for Leave to Intervene by DMB (the "Motion") to the Arizona Power Plant and Transmission Line Siting Committee relative to its review of a request by Arizona Public Service Company for a Certificate of Environmental Compatibility for the West Valley – South 230 kV Transmission Line Project filed with the Arizona Corporation Commission (the "ACC") as Docket No. L-00000D-03-0122.

We are also filing twenty-five (25) copies of the Motion with Docket Control of the ACC.

Sincerely,

Karrin Kunasek Taylor, Esq.

Enclosure

cc: ACC Docket Control (25 copies)
 cc (via U.S. Mail):

Thomas H. Campbell, Esq., Lewis & Roca LLP
 Roger K. Ferland, Esq. and Laura Raffaelli, Esq., Quarles & Brady Streich Lang LLP
 John Berglund, White Tank Holdings, L.L.C.
 John Bradley, DMB White Tank, LLC

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AZ CORP COMMISSION
DOCUMENT CONTROL

INTERVENTION

Biskind, Hunt & Taylor, P.L.C.
11201 North Tatum Boulevard
Suite 330
Phoenix, AZ 85028
TELEPHONE 602-955-4433

Attorney for Proposed Intervenor
Karrin Kunasek Taylor, Esq., State Bar No. 016044

BEFORE THE ARIZONA

POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION)
OF ARIZONA PUBLIC SERVICE)
COMPANY IN CONFORMANCE WITH)
THE REQUIREMENTS OF ARIZONA)
REVISED STATUTES SECTION 40-360, et.)
seq., FOR A CERTIFICATE OF)
ENVIRONMENTAL COMPATIBILITY)
AUTHORIZING THE WEST VALLEY-)
SOUTH 230 KV TRANSMISSION LINE)
PROJECT, INCLUDING THE)
CONSTRUCTION OF APPROXIMATELY)
18 MILES OF 230 KV TRANSMISSION)
LINES AND THREE 230 KV)
SUBSTATIONS IN MARICOPA COUNTY,)
ARIZONA, ORIGINATING SOUTH OF)
BROADWAY ROAD AT AN EXISTING 230)
KV TRANSMISSION LINE IN SECTION)
28, TOWNSHIP 1 NORTH, RANGE 2)
WEST, GILA AND SALT RIVER BASE)
AND MERIDIAN THAT WILL)
INTERCONNECT WITH THE PROPOSED)
TS4 SUBSTATION IN SECTION 19,)
TOWNSHIP 1 NORTH, RANGE 2 WEST)
AND CONTINUING TO THE PROPOSED)
TS3 SUBSTATION IN SECTION 22,)
TOWNSHIP 2 NORTH, RANGE 2 WEST,)
GILA AND SALT RIVER BASE AND)
MERIDIAN AND TERMINATING AT THE)
PROPOSED TS2 SUBSTATION IN)
SECTION 28, TOWNSHIP 3 NORTH,)
RANGE 2 WEST, GILA AND SALT RIVER)
BASE AND MERIDIAN)

Case No: 122

Docket No.: L-00000D-03-0122

MOTION FOR LEAVE TO INTERVENE BY
DMB WHITE TANK, LLC, an Arizona
limited liability company

Arizona Corporation Commission
DOCKETED

JUL 31 2003

DOCKETED BY	
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1 Pursuant to Arizona Administrative Code R14-3-204, et seq., DMB White Tank, LLC, an
2 Arizona limited liability company ("DMB") hereby applies to the Arizona Power Plant and
3 Transmission Line Siting Committee (the "Committee") for an order granting DMB leave to
4 intervene in the above-captioned proceeding. The Committee should grant DMB leave to
5 intervene because DMB will be directly and substantially affected by the Alternative 230 kV
6 Transmission Alignment (the "Alternative Alignment") proposed by Arizona Public Service
7 Company ("APS") in its Application for a Certificate of Environmental Compatibility ("CEC")
8 in the above-captioned matter.

9 DMB is the developer of approximately 8,800 acres of property located within the
10 municipal limits of the Town of Buckeye, Arizona, an Arizona municipal corporation (the
11 "Town"). The property is generally bounded by the Northern Avenue alignment on the north,
12 the Roosevelt Street alignment on the south, the White Tank Mountains on the west and
13 Jackrabbit Trail and the Tuthill Road alignment on the east (the "Property").

14 The Property is currently being developed as a mixed-use master planned community
15 generally known as "Verrado". In November 1999, the Town granted zoning approval for the
16 Property to allow the development of approximately 14,080 residential units, over 4,000,000
17 square feet of commercial/mixed-use space, and 1,000 resort rooms. DMB's right to the
18 entitlements granted by the Town is vested pursuant to a Pre-Annexation and Development
19 Agreement recorded on November 26, 1999 with the Maricopa County Recorder as Document
20 No. 99-1071208.

21 DMB is currently constructing the first phase of Verrado that is planned to consist of
22 approximately 2,000 residential units, as well as commercial, recreational and educational
23 facilities. The first elementary school at Verrado has been designed and is scheduled to open in
24 the Fall of 2004. Significant backbone infrastructure has been completed or is being constructed
25 including a \$12,000,000 interstate interchange at I-10 and Verrado Way (the Airport Road
26

1 alignment), a wastewater treatment plant, an on-site APS 69 kV substation as well as an on-site
2 roadway network to serve the first phase of development. New home sales are expected to begin
3 within the next six (6) months.

4 The Alternative Alignment runs parallel to a one-mile portion of the eastern boundary of
5 the Property between Bethany Home Road and Glendale Avenue and as such will have a direct
6 and substantial impact on the quality and value of development already approved at Verrado.
7 Moreover, the proximity of the Alternative Alignment to the White Tank Mountains will have a
8 significant detrimental impact on the scenic quality of the area, in particular given the
9 importance of the White Tank Mountains and the White Tank Regional Park as the western
10 backdrop of the metropolitan area.

11 DMB supports the Proposed 230 kV Alignment submitted by APS as it poses a
12 significantly smaller impact on the Property and will not have the negative visual impacts on the
13 environment that the Alternative Alignment will have given its proximity to the White Tank
14 Mountains.

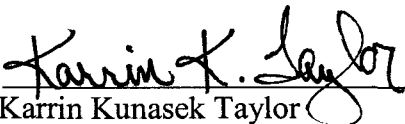
15 DMB's intervention in the above referenced matter will not broaden the issues or cause
16 any undue delay in these proceedings.

17 For the reasons outlined above, DMB respectfully requests that the Committee grant its
18 Motion for Leave to Intervene in this matter and requests that it be accorded all rights as
19 Intervenor in accordance with A.A.C. R14-3-204 et seq., DMB requests that all communications
20 in connection with the above-captioned proceedings be directed to:

21 Karrin Kunasek Taylor, Esq.
22 Biskind, Hunt & Taylor, P.L.C.
23 11201 North Tatum Boulevard, Suite 330
24 Phoenix, AZ 85028
25
26

1 RESPECTFULLY SUBMITTED this 31st day of July, 2003.

2 BISKIND, HUNT & TAYLOR, P.L.C.

3
4 BY: 
Karrin Kunasek Taylor

5
6 Attorney for Proposed Intervenor DMB
7 White Tank, LLC, an Arizona limited
liability company.

8
9 ORIGINAL + 25 copies filed this
31st day of July, 2003, with:

10 Arizona Corporation Commission
11 Docket Control
12 1200 West Washington Street
Phoenix, AZ 85007

13 COPIES of the foregoing mailed this
14 31st day of July, 2003, to:

15 Ernest G. Johnson, Director of Utilities
16 Arizona Corporation Commission
17 Utilities Division
1200 West Washington Street
Phoenix, AZ 85007

18 Thomas H. Campbell, Esq.
19 Lewis & Roca LLP
40 North Central Avenue
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20 Attorney for Arizona Public Service Company

21 Roger K. Ferland, Esq.
22 Laura Raffaelli, Esq.
23 Quarles & Brady Streich Lang LLP
One Renaissance Square
24 Two North Central Avenue
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Attorneys for Proposed Intervenor Camelback, L.L.C.

1 John Berglund
2 White Tank Holdings, L.L.C.
3 C/O Jim Pigeon
4 6615 North Scottsdale Road, Suite 12
5 Scottsdale, AZ 85250

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